

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	M.G. FERNANDEZ et al.	Examiner	Phillip H. Nguyen
Serial No.	10/805,106	Group Art Unit	2191
Filed	March 19, 2004	Docket No.	P19207
TITLE	METHOD, SYSTEM, AND PROGRAM FOR OPTIMIZING CODE		

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CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being transmitted through the USPTO EFS-Web system over the Internet to Phillip H. Nguyen of the U.S. Patent and Trademark Office on January 16, 2009.

\_\_\_\_\_/David Victor/

David W. Victor

**RESPONSE TO NON-FINAL OFFICE ACTION**

This paper is submitted in response to a non-final fourth office action in the above case dated October 16, 2008 (“OA4”) in which the Examiner rejected all the claims as anticipated (35 U.S.C. §102) by newly cited art. Applicants traverse the prior art rejections and submit that all pending claims 1-36 are patentable over the cited art and in condition for allowance for the reasons discussed herein.

The listing of claims begins on page 2.

Remarks/Arguments begin on page 10.